

CITY UTILITIES COMMITTEE

MINUTES

NOVEMBER 28, 2006

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, November 28, 2006 at 9:47 a.m.**, in Committee Room #2. The following members were present:

The Honorable Ceasar C. Mitchell, Chair
The Honorable Natalyn M. Archibong
The Honorable Clair Muller
The Honorable Carla Smith
The Honorable Howard Shook

The following member was present:

The Honorable Ivory L. Young, Jr., Vice-Chair

Others present at the meeting were: Renee Shepherd, Stefanie Grant and Megan Middleton, Law Department; Commissioner Robert Hunter, Deputy Commissioners Shelia Pierce, George Barnes, Sally Mills and Joseph Basista, Department of Watershed Management; Deputy Commissioner Madelyn Grant and Nursef Kediri, Department of Public Works; Bruce Bell, Contract Compliance, Cathy Martin, Office of Procurement; public and Council Staff.

Chairman Mitchell called the meeting to order at 9:47 a.m. after declaring a quorum present. He then proceeded with the following order of business.

- A. ADOPTION OF AGENDA - ADOPTED AS AMENDED TO ADD AN APPRAISAL**
- B. APPROVAL OF MINUTES - APPROVED**
- C. PUBLIC HEARING - ORDINANCE FOR SECOND READING**

06-O-2502 (1) An Ordinance by City Utilities Committee to **abandon** a portion of Canterbury Road, NE located between Pinetree Road and Dead-End of Canterbury Road consisting of 0.5062 acre, more or less and being more specifically described in the attached Exhibit "A" lying and being in Land Lot 47 of the 17th District, Fulton County, Georgia; and for other purposes. **(Public Hearing held 11/28/06 at 9:30 a.m.)**
(Councilmember Shook made a motion to approve.)

FAVORABLE

City Utilities Committee Minutes
November 28, 2006
Page Two

D. ORDINANCES FOR SECOND READING

- 06-O-2409 (1) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the Fiscal Year 2007 (Water and Wastewater Revenue Fund) Budget, on behalf of the Department of Watershed Management, in the amount of \$1,500,000.00 to transfer funds from the Designated Reserves for Appropriations for the Flow Measurement in Combined Sewers and Separate Sanitary Sewers Project; and for other purposes.
(Councilmember Muller made a motion to approve.)

FAVORABLE

- 06-O-2568 (2) An Ordinance by Councilmember Clair Muller authorizing the Mayor or her designee to transfer the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, for the Residential Subdivision SD-06-66 located at (1745, 1753 & 1775 West Wesley Road, NW) to then construct 1,270 linear feet of 5' sidewalk and curbing along the south side of West Wesley Road, NW, that section between Margaret Mitchell Drive and Sequoyah Drive, NW; and for other purposes.
(Councilmember Muller made a motion to approve.)

FAVORABLE

- 06-O-2569 (3) An Ordinance by Councilmember Clair Muller authorizing the Mayor or her designee to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that a certain Subdivision SD-06-39 (3257 Valley Road, NW) applicant deposit a dollar amount (\$7,660.00) equal to the value of the required sidewalk construction into a designed Trust Fund Account for District 8; and for other purposes.
(Councilmember Muller made a motion to approve.)

FAVORABLE

City Utilities Committee Minutes
November 28, 2006
Page Three

ORDINANCES FOR SECOND READING (CONT'D)

- 06-O-2595 (4) An Ordinance by Councilmember Clela Winslow to **abandon** the portion of Garnett Street between Pryor Street and Peachtree Street as described in Exhibit "A"; to consolidate the properties located at 231 Pryor Street, SW, 237 Pryor Street, SW, 193 Garnett Street, SW, 208 Peachtree Street, SW, 202 Peachtree Street SW, and 204 Peachtree Street, SW and the former site of the Municipal Court at 170 Garnett Street, SW; and for other purposes. **(Advertised for a Public Hearing 12/12/06 at 9:30 a.m.)**
(Councilmember Mitchell made a motion to hold for a Public Hearing)

HELD

- 06-O-2617 (5) An Ordinance by Councilmember Ceasar C. Mitchell **as amended by City Utilities Committee** authorizing the Mayor or her designee to execute all appropriate documents to acquire approximately 1.52 acres of property located at the northwest corner of Northside Drive and Bishop Street, Atlanta, Fulton County, Georgia (Land Lot 151), to negotiate with property owners to acquire necessary rights-of-way, easements and other related property interests, including condemnation proceedings; authorizing the City Attorney to proceed with the Declarations of Taking Method authorized by O.C.G.A. §§22-3-140 and 32-3-4 to acquire title to rights-of-way, easements and other related property interests necessary, on behalf of the Department of Watershed Management; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J27 (2001 Water and Wastewater Bond Fund) 571001 (Land) Q67J02049999 (General Improvement, Hemphill Treatment Plant); and for other purposes.
(Councilmember Muller made a motion to approve as amended.)

FAVORABLE AS AMENDED

City Utilities Committee Minutes
November 28, 2006
Page Four

ORDINANCES FOR SECOND READING (CONT'D)

- 06-O-2618 (6) An Ordinance by Councilmember Ceasar C. Mitchell **as substituted by City Utilities Committee** authorizing the Chief Financial Officer to amend the Fiscal Year 2007 (Water and Wastewater Revenue Fund) Budget, on behalf of the Department of Watershed Management in the amount of \$2,192,000.00 to transfer funds from the Reserve for Appropriations for Office and Warehouse Facilities located at 263 Decatur Street; to authorize the Mayor to execute a Lease Agreement; and for other purposes.
(Councilmember Muller made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

- 06-O-2619 (7) An Ordinance by Councilmember Ceasar C. Mitchell **as substituted by City Utilities Committee** amending the 2007 (Water and Wastewater Renewal and Extension Fund) Budget, on behalf of the Department of Watershed Management, in the amount of \$424,716.86 to transfer funds from the Reserve for Appropriations for the Water Utilities Locator Services Project; to authorize the Chief Financial Officer to pay all outstanding invoices to Utiliquist, LLC; all contracted work to be charged to and paid from Fund, Account and Center Number: 2J21 (Water and Wastewater Renewal & Extension) 524001 (Consultant/Professional Services) Q42001 (Engineering Planning & Design); and for other purposes.
(Councilmember Muller made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

ORDINANCES FOR SECOND READING (CONT'D)

- 06-O-2620 (8) An Ordinance by Councilmember Ceasar C. Mitchell amending the 2007 (2001 Water and Wastewater Bond Fund) Budget in the amount of \$7,000,000.00 to transfer funds from the Reserve for Appropriations (2J27 791001 T11001) for the purchase of approximately 1.52 acres of property located at the northwest corner of Northside Drive and Bishop Street, Atlanta, Fulton County, Georgia (Land Lot 151), in connection with the Hemphill Treatment Plant Facility, on behalf of the Department of Watershed Management; and for other purposes.
(Councilmember Muller made a motion to approve.)

FAVORABLE

E. RESOLUTIONS

- 06-R-2548 (1) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2 with Nile, Inc., for FC-7573-03B, Annual Contract for Sidewalks, Driveways and Curbs, on behalf of the Department of Public Works with no additional funding requirements; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

- 06-R-2549 (2) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2 with Kissberg Construction, Inc., for FC-7573-03A, Annual Contract for Sidewalks, Driveways and Curbs, on behalf of the Department of Public Works with no additional funding requirements; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE

City Utilities Committee Minutes
November 28, 2006
Page Six

RESOLUTIONS (CONT'D)

- 06-R-2550 (3) A Resolution by City Utilities Committee authorizing the Mayor to execute Amendment Agreement No. 3 with Stewart Brothers, Inc., for FC-3005007849A, Annual Asphalt Resurfacing and Milling Contract, to add new unit prices on behalf of the Department of Public Works, in an amount not to exceed \$4,520,178.00; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes.
(Councilmember Smith made a motion to approve.)

FAVORABLE (1 NAY) ARCHIBONG

- 06-R-2551 (4) A Resolution by City Utilities Committee authorizing the Mayor to enter an Encroachment Agreement for non-conforming uses with the United States of America, by and through the Administrator of General Services for the installation of Hydraulic Bollards, Planters and related amenities surrounding the United States Court of Appeals Building in the City of Atlanta, on behalf of the Department of Public Works; and for other purposes.
(Councilmember Mitchell made a motion to hold for further review by the Department of Public Works.)

HELD

- 06-R-2552 (5) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 with Metals and Materials Engineers, LLC, for FC-6004007832A, Annual Contract for Repairs and Replacement of Large Water Meters, on behalf of the Department of Watershed Management, with no additional funding required; and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

City Utilities Committee Minutes
November 28, 2006
Page Seven

RESOLUTIONS (CONT'D)

- 06-R-2553 (6) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Arcadis/Bindley, Pieters & Associates, JV, for FC-7619-03A, Annual Contract for Architectural and Engineering Services for Construction Management Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$227,195.14; all work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water & Wastewater Renewal Fund) 524001 (Consultant/Professional Services) Q38I027394DA (Sewer Group 1 – Rehabilitation); and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 06-R-2554 (7) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with Shaw Environmental, Inc./AIM Partner, PLC, JV, for FC-7619-03F, Annual Contract for Architectural and Engineering Services for Construction Management Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$886,161.34; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water & Wastewater Renewal & Extension Fund) 524001 (Consultant/Professional Services) Q38I027394DA (Sewer Group 1 – Rehabilitation); and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 06-R-2555 (8) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with Metcalf Eddy/Cardozo, JV, for FC-7619-03E, Annual Contract for the purpose of providing Architectural and Engineering Services for Construction Management Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$660,930.14; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 524001 (Consultant/Professional Services) Q38I02739999 (Sewer Group 1 – Rehabilitation); and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

City Utilities Committee Minutes

November 28, 2006

Page Eight

RESOLUTIONS (CONT'D)

- 06-R-2556 (9) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with Jacobs/PRAD/PBS & J, Joint Venture, for FC-7619-03D, Annual Contract for Architectural and Engineering Services, for the purpose of providing Construction Management Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$1,399,136.02; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J27 (2004 Water & Wastewater Bond Fund) 524001 (Consultant/Professional Services) Q38I02739999 (Sewer Group 1 – Rehabilitation); and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 06-R-2557 (10) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to CH2M Hill/Williams, Russell & Johnson, JV, for FC-7619-03C, Annual Contract for Architectural and Engineering Services for Construction Management Services, on behalf of Department of Watershed Management, in an amount not to exceed \$660,930.14; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water & Wastewater Bond Fund) 524001 (Consultant/Professional Services) Q38I027394DA (Sewer Group 1 – Rehabilitation); and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

- 06-R-2558 (11) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Atlanta Services Group, for FC-7619-03B, Annual Contract for Architectural and Engineering Services for Construction Management Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$94,243.97; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 524001 (Consultant/Professional Services) Q38I02739999 (Sewer Group 1 – Rehabilitation); and for other purposes.
(Councilmember Shook made a motion to approve.)

FAVORABLE

City Utilities Committee Minutes
November 28, 2006
Page Nine

RESOLUTIONS (CONT'D)

- 06-R-2603 (12) A Resolution by City Utilities Committee authorizing the Mayor or designee to issue a **Notice to Proceed** with Shaw Environmental, Inc./AIM Partner, PLC, JV, for FC-7619-03F, Annual Contract for Architectural and Engineering Services for, Sidewalk Improvements for the Metropolitan Parkway Streetscape Project Phase 2, on behalf of the Department of Public Works, in an amount not to exceed \$28,646.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 1C50 (2004 Quality of Life Fund) 574001 (Facilities other than Buildings) M65F059692BH (Metropolitan Streetscapes, CD 12); and for other purposes.

(Councilmember Smith made a motion to approve.)

FAVORABLE

- 06-R-2604 (13) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with Metcalf Eddy/Cardozo, JV, for FC-7619-03E, Annual Contract for, Architectural and Engineering Services, for a Location Inventory Study of the structures in the City of Atlanta Separate Storm Sewer System, on behalf of the Department of Watershed Management, in an amount not to exceed \$438,291.22; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q86001 (NPDES (MS4) Compliance/Pollution Discharges); and for other purposes.

(Councilmember Shook made a motion to approve.)

FAVORABLE

F. PAPERS HELD IN COMMITTEE

- 06-O-0306 (1) An Ordinance by City Utilities Committee amending the 2006 (1994 G. O. Bond Referendum Fund) Budget by transferring from and to appropriations in the amount of \$852,361.11 to fund the Paving Management and Improvement Program; and for other purposes. **(Held 2/14/06 at the request of Councilmember Muller.)**

HELD

City Utilities Committee Minutes
November 28, 2006
Page Ten

PAPERS HELD IN COMMITTEE (CONT'D)

- 06-O-0472 (2) An Ordinance by Councilmembers C. T. Martin and Ivory L. Young, Jr. to re-name Simpson Road from H. E. Holmes Drive to West Peachtree Street, to Coretta Scott King Drive; to waive various subsections of Section 138-8 of the Code of Ordinances; and for other purposes. **(Held 2/14/06 awaiting decision from Coretta Scott King Commission on the appropriate honor for Mrs. King.)**

HELD

- 06-R-0563 (3) A Resolution by Councilmember Joyce M. Sheperd authorizing the Mayor to enter into an Agreement with Brock Built, LLC providing for the non-standard location of water meters on private property to which the city provides water services; and for other purposes. **(Referred back by Council 3/6/06) (Held 3/14/06 at the request of the Department of Watershed Management so that developer can address the private property concerns.)**

HELD

- 06-O-0937 (4) An Ordinance by Councilmember Clair Muller to amend Article VII of Chapter 74 entitled "**Riparian Buffer Requirements**"; to officially change the administering Department to Watershed Management, to streamline the review process and clarify the Public Notice Requirements; and for other purposes. **(Held 4/25/06 for further review by the Department of Watershed Management.)**

HELD

- 06-O-1454 (5) An Ordinance by Councilmember Clair Muller **as amended by City Utilities Committee** to amend Chapter 130 Solid Waste Management, Section 130-84, Rates and Charges, to limit such rate to apply to lots with a residence; and for the other purposes. **(Amended and held 6/27/06 at the request of the author.)**

HELD

City Utilities Committee Minutes
November 28, 2006
Page Eleven

PAPERS HELD IN COMMITTEE (CONT'D)

- 06-O-1573 (6) An Ordinance by Councilmember Kwanza Hall authorizing the Mayor or her designee to enter into an Agreement between Hilton Atlanta and the Atlanta Marriott Marquis and the City of Atlanta for the erection of a bridge in accordance with Section 138-25(b) of the City of Atlanta's Code of Ordinances; and for other purposes. **(Held 7/11/06 for further discussions.)**

HELD

- 06-O-1947 (7) An Ordinance by City Utilities Committee to amend Sections 138-25 and 138-26 of the Official Code of Ordinances of the City of Atlanta, Georgia, to authorize the Commissioner of Public Works to determine the monthly rental rates for the air space or subsurface space occupied by bridges, tunnels of similar structures across streets or alleys and balconies over sidewalks of the City of Atlanta; and for other purposes. **(Held 9/18/06 at the request of the Law Department.)**

HELD

- 06-O-2048 (8) An Ordinance by Councilmember Ivory L. Young, Jr. authorizing the Mayor or her designee to amend the City of Atlanta's Code of Ordinances Section 138-5 Alleys, so as to define the ownership of the Alleys and maintenance thereof of the Alleys in the City of Atlanta, to immediately begin the defined statutory procedure for abandoning the City of Atlanta's interest in alleys; to request Fulton County to amend the County's Tax Map and to properly adjust all property within Fulton County to properly access property value and taxes and that millage rate reduction would occur equal to the tax increase; and for other purposes.
(Held 9/18/06 at the request of Councilmember Young)
(Work session held 10/4/06)

HELD

City Utilities Committee Minutes
November 28, 2006
Page Twelve

PAPERS HELD IN COMMITTEE (CONT'D)

- 06-O-2057 (9) An Ordinance by Councilmember Mary Norwood amending the City of Atlanta's Code of Ordinances by inserting language in the Solid Waste Section that will effectively deal with litter violators; and for other purposes.

(Held 9/18/06 at the request of the Law Department for review of the penalty section)

HELD

- 06-R-2297 (10) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 with ADS Environmental Services for FC-7710-04, Flow Measurement in Combined Sewers and Separate Sanitary Sewers Project, on behalf of the Department of Watershed Management, in an amount not to exceed \$1,581,550.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J26 (1999 Water and Wastewater Bond Fund) 524001 (Consultant/Prof. Services) Q38I02239999 (General Sewer Improvements); and for other purposes.

(Councilmember Muller made a motion to approve as amended.)

FAVORABLE AS AMENDED

- 06-R-2299 (11) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with the United States Army Corps of Engineers for a project to analyze and map flood prone areas associated with storm water runoff within the Combined Sewer Basins, on behalf of the Department of Watershed Management, in an amount not to exceed \$333,000.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water and Wastewater Renewal and Extension Fund) 524001 (Consultant/Professional Services) Q38I029294DA (CSO Cost Sharing); and for other purposes. **(Held 10/31/06 at the request of the department.)**

HELD

City Utilities Committee Minutes
November 28, 2006
Page Thirteen

PAPERS HELD IN COMMITTEE (CONT'D)

- 06-C-2385 (12) A Communication by Mayor Shirley Franklin re-appointing **Ms. Mary L. Floyd** to serve as a member of the Keep Atlanta Beautiful Board of Directors for the City of Atlanta. This re-appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation. **(Held 11/14/06)**
(Will attend 12/12/06 meeting)

HELD

- 06-O-2476 (13) An Ordinance by Councilmembers Howard Shook and Anne Fauver to amend Sections 138-14(d) and 138-103 of the Code of Ordinances so as to implement a sidewalk inspection, repair and notice process pertaining to damaged sidewalks which abut the public right-of way; and for other purposes. **(Held 11/14/06 pending further review from the Law Department and a Work session in 2007)**

HELD

- 06-R-2482 (14) A Resolution by Councilmember Joyce M. Sheperd authorizing the Mayor or her designee to enter into an agreement with Housing Group Partners, LLC ("Housing Group"), providing for the non-standard location of water meters on private property located in the City of Atlanta, Fulton County, Georgia, to which the City provides water services; and for other purposes. **(Held 11/14/06 pending further review.)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

- 06-R-2486 (15) A Resolution by Councilmember Ceasar C. Mitchell **as substituted by City Utilities Committee** authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$17,000.00 as stipulated penalties for the violation of Total Residual Chlorine Operational Standards at the Clear Creek CSO on October 27, 2006 and Custer Avenue CSO on October 17, 2006 pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes.
(Councilmember Muller made a motion to approve on substitute.)

FAVORABLE ON SUBSTITUTE

G. ITEMS NOT ON THE AGENDA

APPRAISAL

- (1) Appraisal of the **abandoned** portion of Squire Place, NE consists of 20,301 square feet the Appraiser has estimated fair market value to be \$550,000.00 which indicates \$27.00 per square feet.
(Councilmember Shook made a motion to accept the appraisal.)

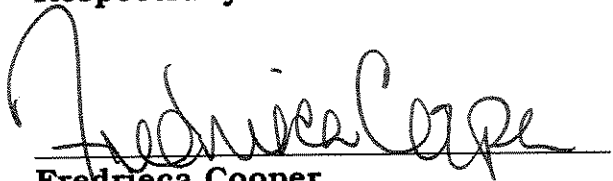
H. REQUESTED ITEMS

1. Councilmember Shook wanted to know from the Law Department, why claims submitted by the residents of the Allied property (Mean Street) were being denied?
2. Councilmember Muller requested the Department of Watershed Management to discuss storm water runoff in flood prone areas where the sewers (sanitary and storm water) have been separated, she also would like the department to identify any grant funds that maybe available for this purpose.
3. Councilmember Mitchell requested itemized expenses from the Atlanta Regional Commission on funds spent on the Water Wars Agreement for the last three (3) years.

**City Utilities Committee Minutes
November 28, 2006
Page Fifteen**

There being no further business to come before the Committee, the meeting was adjourned at 12:17 p. m.

Respectfully Submitted:



**Fredriecca Cooper
Legislative Assistant**



**Alfred Berry, Jr.
Research and Policy Analyst**



**The Honorable Ceasar C. Mitchell, Chair
City Utilities Committee**